

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALFONSO PERCY PEW,	)	
	)	
Plaintiff,	)	Civil Action No. 03 - 1728
	)	
vs	)	Chief Judge Donetta W. Ambrose/
	)	Magistrate Judge Lisa Pupo
	)	Lenihan
JOANNE TORMA, Central Office Department	)	
of Corrections Religious Accommodations	)	
Board for Special Needs; DAVE ROBERTS,	)	
Unit Manager, Bureau of Inmate Services	)	
Central Office of Department of Corrections;	)	
T'SHANNA KYLER, Department of	)	
Corrections Grievance Final Review Board;	)	
THOMAS A. FULCOMER; WILLIAM J. LOVE;	)	
JEFFERY A. BEARD, Central Office	)	
Department of Correction Secretary and	)	
Deputies; MECHLING; WILLIAM TERZA,	)	
Pittsburgh State Prison Warden and Chaplain;	)	
VICUSI, Correctional Officer 1; CULP,	)	
LIEUTENANT 2; EVANS, Correctional	)	
Officer 1; WILLIAM S. STICKMAN,	)	
Superintendent; NIXON, Correctional	)	
Officer 1; JAMES META, Food Service	)	
Supervisor; CAROL A. DEWITT; and	)	
COREY A. BISH,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

The above captioned case was received by the Clerk of Court on November 12, 2003, and was referred to United States Magistrate Judge Francis X. Caiazza in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The case was transferred to Magistrate Judge Lisa Pupo Lenihan on April 12, 2004.


The magistrate judge's Report and Recommendation (Doc. No. 87), filed on November 4, 2005, recommended that the Motion for Partial Summary Judgment

(Doc. No. 77) be granted as to all Defendants on Plaintiff's Eighth Amendment pork substitute claim. Service was made on the Plaintiff at S.C.I. Fayette, P.O. Box 9999, LaBelle, PA 15450-0999 and on counsel for the Defendants. The parties were advised that in accordance with the Magistrate's Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4 (B) of the Local Rules for Magistrates, they were allowed ten (10) days from the date of service to file written objections to this report, and that any party opposing the objections were allowed seven (7) days from the date of service of objections to respond thereto. Plaintiff filed Objections to Magistrate Report and Recommendation (Doc. No. 88) on November 15, 2005. No response to the objection has been filed. After review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

**AND NOW**, this 12<sup>th</sup> day of Dec, 2005;

**IT IS HEREBY ORDERED** that the Motion for Partial Summary Judgment (Doc. No. 87) is **GRANTED** as to all Defendants on Plaintiff's Eighth Amendment pork substitute claim.

**IT IS FURTHER ORDERED** that the Report and Recommendation of Magistrate Judge Lenihan, dated November 4, 2005, is adopted as the opinion of the court.

  
Donetta W. Ambrose  
Chief U.S. District Judge

cc: ALFONSO PERCY PEW  
BT-7263  
SCI Fayette  
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